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FACT SHEET

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Distributions Legislative Update

As of the date of this document, the following four bills are being tracked by the Judicial Council of California for their potential impacts on revenue collections and distributions.

- Senate Bill 881 (Hertzberg)
- Senate Bill 882 (Hertzberg)
- Senate Bill 986 (Hill)
- Senate Bill 1046 (Hill)

Senate Bill 881 (Hertzberg). SB 881 addresses collections practices related to court ordered debt. The most likely impact of the bill's provisions is a reduction in the amount that comprehensive programs collect. The primary elements to know about SB 881 are as follows:

1. Amends Penal Code section 1214.1 to require that a civil assessment imposed by a court be based on a finding that the defendant willfully failed to appear in connection with the promise to appear on a citation, or willfully failed to pay the fine determined by the court upon a finding of guilt.
 - ➔ Some courts will forgo civil assessments in some cases; some courts may hold hearings to determine willfulness. Impacts on collections is unknown.
2. Amends Penal Code section 1463.007 to require that all comprehensive collection programs offer payment plans, and that payments must be based on the debtor's ability to pay pursuant to Government Code section 68632.
 - ➔ Government Code section 68632 is a fee waiver provision; provides several methods for determining if a court user is low income in order to justify the waiver of court filing fees. Currently unknown how application of this section jibes with determining a debtor's ability to pay a penalty for an infraction violation. Impacts on collections potentially significant if application of the fee waiver provision results in a payment waiver for collections.

3. Amends Penal Code sections 1463.007, 12807, 13365, 40509, and 40509.5 to prohibit driver's license suspension as a compliance tool in a comprehensive collections program. The bill also would authorize the return of debtors' driver's licenses if suspended for anything other than a direct public safety purpose (e.g., reckless driving, reckless driving proximately causing bodily injury to a person, driving under the influence of alcohol, drugs, or both, and driving under the influence and causing bodily injury to another person).
 - ➔ Many collections programs believe that suspending a violator's driver's license is an effective tool for getting attention and encouraging the payment of delinquent debt. The author believes that by returning driver's licenses except for the enumerated public safety convictions, violators will be able to get jobs and pay their delinquent debt. Impacts on collections possibly significant.

Senate Bill 882 (Hertzberg). SB 882 removes minors from culpability for specified public transit-related violations, whether chargeable as infractions or misdemeanors. Specifically, the bill would remove minors from criminal punishment for the following otherwise illegal conduct:

- evading fares on public transit systems;
 - misusing transfers, passes, tickets, or tokens with the intent to evade the payment of fares; and
 - using in an unauthorized manner discount tickets, including failure to present acceptable proof of eligibility to use a discount ticket when requested by a transit system representative.
- ➔ Likely to have minor impact on amounts collected.

Senate Bill 986 (Hill). SB 986 clarifies that failure to come to a full stop at a stop sign or red light before turning right, or turning left from a one-way street onto another one-way street, where such turns are lawful and after yielding right-of-way to pedestrians, is an infraction punishable by a fine of \$35.

- ➔ May have a somewhat noticeable impact as these charges often have been charged as red light violations, which are punishable by a fine of \$100.

Senate Bill 1046 (Hill). SB 1046 would provide that under specified circumstances, someone convicted of driving under the influence would be eligible for an ignition interlock device, and that the time the defendant uses the device counts against the time he/she must serve for the violation. The bill further requires that courts reduce

the total amount of fines, fees, and penalties by up to \$500 for a conviction of a violation arising out of this section.

- ➔ Likely to have noticeable impact on collections because of the high number of DUI cases that are likely to qualify under this amended section.

For more information, please contact Andi Liebenbaum or visit the resources provided below.

Contact:

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Additional resources:

General bill information, <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

Judicial Branch legislative program, <http://www.courts.ca.gov/4121.htm>